

REMARKS

In the present application, claims 1-37 are pending. Claims 1-37 are rejected. As a result of this response, claims 1-37 are believed to be in condition for allowance.

Claim Rejections – 35 USC § 102(e)

The Examiner rejected claims 1-3, 5-7, 11, 13-15, 18-23, 25-30 and 32-37 as being anticipated by Kock (20040185885).

With respect to claims 1, 21 and 28, the Examiner asserted that Kock discloses “a method of transferring service settings from a first device to a second device, wherein the first and second devices each have the same predetermined hierarchical data structure, comprising: sending a data transfer request identifying a first portion of the hierarchical data structure from the first device to the second device ([0041], Kock); copying data stored at the first portion of the hierarchical data structure of the second device from the second device to the first device ([0053], Kock); storing the copied data at the first portion of the hierarchical data structure of the first device ([0049], Kock); and using, at the first device, the data stored at the first portion of the hierarchical data structure as settings for a first service ([0057], Kock).

Applicant respectfully disagrees with the Examiner’s characterization of the teachings of Kock.

First, the Examiner cites paragraph [0041] as supporting the assertion that Kock teaches “sending a data transfer request identifying a first portion of the hierarchical data structure from the first device to the second device” as recited in claim 1. In fact, at paragraph [0041] Kock states:

The sending mobile device 102 may wish to send a message to the receiving mobile device 104. The message may include sound (for example voice or music), text, control data, and/or images (graphics).

While the sending mobile device 102 may be capable of sending and receiving voice, data, and graphics, the receiving mobile device 106 may or may not be capable of receiving a message in the formats supported by the sending mobile device 102.

As evident, Kock teaches, generally, sending a message from a sending mobile device to a receiving mobile device wherein the message may include sound, text, control data, or graphics. As is equally evident, Kock teaches neither “sending a data transfer request” or a “hierarchical data structure” as claimed.

Second, the Examiner cites paragraph [0053] as supporting the assertion that Kock teaches “copying data stored at the first portion of the hierarchical data structure of the second device from the second device to the first device” as recited in claim 1. In fact, at paragraph [0053] Kock states

If the status list 200 is stored on the network 104, the network 104 may be notified of the change. If the network 104 has knowledge of which mobile devices have included information regarding the changing mobile device on their status lists, the network 104 may forward the change information to those mobile devices. For example, the network 104 may know that the sending mobile device 102 has a status list 200 that contains information regarding the receiving mobile device 106. Accordingly, the network 104 may inform the sending mobile device 102 of the changes to the receiving mobile device 106.

As the illustration of the status list 200 in Fig. 2 and the accompanying description make clear, the status list is a table such as might commonly be output or input as a comma or tab delimited text file. As such, status list 200 is not a hierarchical data structure. In addition, Kock teaches that the network may forward change information to a sending mobile device to inform the sending mobile device of the changes to the receiving mobile device. The change information is sent to the network by the receiving mobile device and is forwarded to the sending mobile device by the network. In contrast, claim 1 recites that data is copied from the second device to the first device. Lastly, it must be noted that Kock teaches sending change information to the sending mobile device based upon a stored status list, but not sending the status list. It has already been asserted that the status list is not a

hierarchical data structure as claimed. There is furthermore no teaching by Kock that the change information is hierarchical.

Third, the Examiner cites paragraph [0049] as supporting the assertion that Kock teaches “storing the copied data at the first portion of the hierarchical data structure of the first device” as recited in claim 1. In fact, at paragraph [0049] Kock states:

As another example, the status list 200 may be stored in memory on the sending mobile device 102. In this scenario, the sending mobile device 102 may keep a local storage of the receiver capabilities in the memory of the mobile device 102. Alternatively, the information may be stored on a Subscriber Identity Module (SIM) card located in the mobile device 102. Other storage locations may also be possible.

As is evident, Kock teaches storing a status list on the sending mobile device. As noted above, the status list is not hierarchical data and thus there is no teaching of storing the status list in a hierarchical data structure. Neither is there any teaching that the stored receiver capabilities are stored in a hierarchical data structure.

Lastly, the Examiner cites paragraph [0057] as supporting the assertion that Kock teaches “using, at the first device, the data stored at the first portion of the hierarchical data structure as settings for a first service” as recited in claim 1. In fact, at paragraph [0057] Kock states:

In FIG. 4 some of the functions of an exemplary sending mobile device 102 are schematically illustrated. The device 102 is shown to comprise means 111 for exchanging message data with a network, means 112 for handling message data, and means 113 for matching message data with capabilities of corresponding devices. The means 111 for exchanging messages may comprise input/output means which are well known in the art. The means 112 for handling message data may comprise means for composing messages, including hardware components such as a keypad,

and electronic means for assembling message parts. **These means 112 may further comprise suitable means for receiving data (status indicators) on the capabilities and status of corresponding devices and storing the status indicators, for example in a status list 114.** The means 113 for matching message data with capabilities of corresponding devices in accordance with the present invention may comprise comparator means for comparing message data with capabilities data (status indicators). Advantageously, when composing a message the device 102 automatically produces a message profile stating message properties such as the constituent parts of the message (for example text and video) and the length of these message parts (for example the number of bytes of the text part).

Once again, Kock makes no mention of data stored in a portion of a hierarchical data structure as claimed. For all of these reasons, claim 1 is in condition for allowance. As claims 21 and 28 likewise recite elements similar to those discussed above with reference to claim 1, they are likewise in condition for allowance. As all of claims 2, 3, 5-7, 11, 13-15, 18-19, 22, 23, 25, 29, 30, 32 and 33 depend upon claims 1, 21 and 28, they are likewise in condition for allowance.

With specific regards to claims 2, 22, and 29 the Examiner once again cited paragraph [0049] as supporting the assertion that Kock teaches “wherein the step of copying data, comprises copying a data file stored at the first portion of the hierarchical data structure that is associated with an identifier stored in a first smart card”. As discussed above, contrary to the Examiners assertion, Kock does not teach a the hierarchical data structure as claimed. For this reason alone, claims 2, 22, and 29 are in condition for allowance.

With specific regards to claim 11 the Examiner cited paragraph [0055] as supporting the assertion that Kock teaches “wherein the user of the first device is unable to amend the copied data”. In fact, at paragraph [0055] Kock states:

To reduce the amount of data that has to be transmitted during an update,

it is advantageous if each device is assigned a class, each class having a predetermined set of capabilities. Thus the update information may only comprise the new class identifier, for example "X37", both the sending and the receiving device containing a list of classes and their associated capabilities or a list of capabilities and their associated classes. Alternative schemes are possible, for example one in which the receiving device notifies the network of an added or deleted capability, the network then matching the updated set of capabilities of the receiving device with a class, and the network then sending the class identifier to the sending device.

As is evident, Kock makes no mention or teaching of an inability to amend copied data as claimed. For this reason alone, claim 11 is in condition for allowance.

With specific regards to claim 20 the Examiner cited numerous paragraphs discussed above to support the assertions that Kock teaches numerous elements including "sending a data transfer request identifying a first portion of the hierarchical data structure from the first device to the second device ([0041], Kock); transferring the data content stored at the first portion of the hierarchical data structure of the second device from the second device to the first device ([0053], Kock); storing the transferred data content at the first portion of the hierarchical data structure of the first device ([0049], Kock); and using, at the first device, the settings stored at the first portion of the hierarchical data structure as settings for a first service ... ([0057], Kock)". For all of the reasons discussed above with reference to claim 1, claim 20 is likewise in condition for allowance.

With specific regards to independent claims 26 and 34 the Examiner cited numerous paragraphs discussed above, as well as paragraph [0048] to support the assertion that, amongst other things, Kock teaches "a memory for storing data according to a predetermined hierarchical data structure". In fact, at paragraph [0048] Kock states:

The status list 200 may be stored in memory. The storage location of the status list 200 may be in one of several locations. For example, the status

list 200 may be stored on the network 104. In this scenario, the sending mobile device 102 may retrieve the necessary information regarding the receiving mobile device 106 when the user of the sending mobile device 102 is composing the message

While Kock does disclose storing and retrieving information, there is no teaching of a hierarchical data structure as claimed. For this reason alone, claims 26 and 34 are in condition for allowance. As all of claims 27 and 35-37 depend upon claims 26 and 34, they are likewise in condition for allowance.

Claim Rejections – 35 USC § 103(a)

The Examiner rejected claims 4, 24, and 31 as being unpatentable over Kock in view of Mirouze (20040023664). The Examiner further rejected claims 8-10, 16 and 17 as being unpatentable over Kock in view of Kotzin (20050198376). Lastly, the Examiner further rejected claim 12 as being unpatentable over Kock in view of Novak (6,882,659).

Applicants note that all of claims 4, 8-10, 12, 16, 17, 24 and 31 depend upon claims 1, 21, and 38 and are therefore, for the reasons discussed above, in condition for allowance. Applicants further assert that not one of Mirouze, Kotzin, and Novak disclose, nor does the Examiner state that they do, a hierarchical data structure as repeatedly recited in the above discussed claims. As a result, Mirouze, Kotzin, and Novak fail to correct the deficiencies of the teachings of Kock. An electronic search and careful review of the teachings of Mirouze, Kotzin, and Novak fails to find a single instance of the term “hierarchical” or “data structure” nor do the figures disclose such a structure. For these reasons, all of claims 4, 8-10, 12, 16, 17, 24 and 31 are in condition for allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

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Art Unit: 2161

It is submitted that the claims herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Respectfully submitted:

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